

Amendments to the Drawings:

The attached drawing sheet includes FIGS. 1-4 which have been amended to include descriptions in each block.

Attachment: 4 Replacement Sheets

REMARKS

Claims 1-17 are currently pending, with claims 1 and 13 being in independent form. The Specification has been amended. Figs. 1-4 of the drawings have been amended. Claims 1-17 have been amended. The amendments to claims 2-12, 14 and 17 are to correct minor claim wording, and are cosmetic in nature. Support for the amendment to claims 1 and 13 may be found, for example, at pg. 3, lines 8-10 of the originally filed specification. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

Claims 15 and 16 were objected to based on certain informalities. In response to this objection, Applicant has amended the claims to address each specific objection. Withdrawal of the objection is in order.

The drawings have been amended to include descriptions in each block shown in Figs. 1-4. No new matter has been added. Entry of Figs. 1-4 to the present application is in order.

In the October 28, 2005 Office Action, independent claims 1 and 13, and dependent claims 2, 8, 11, 12, 14 and 15 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,657,957 (“*Cheung*”), while dependent claims 3-7, 9, 10, 16 and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over *Cheung* in view of U.S. Patent No. 6,167,040 (“*Haeggstrom*”). For the following reasons, Applicant respectfully asserts that all claims of the present application are patentable over the cited references.

The claimed invention is directed to a method and system for guaranteeing the quality of a connection in a data-transmitting telecommunication system. In accordance with the claimed invention, a circuit-switched connection is set up in parallel with a packet-switched data transmission connection, where the data that requires a high transmission quality, such as speech data, is transmitted through the circuit-switched connection (see Abstract).

In contrast, *Cheung* relates to a system for regulating the call traffic into a packet-switched network based in part upon delay characteristics of the network (see col. 2, lines 40-42). *Cheung* (col. 2, lines 42-45) teaches one embodiment in which a call delay characteristic requirement for a call is determined, a delay characteristic parameter of the packet-switched networks is determined, and a call action based at least partly upon the determined delay characteristic requirement and the determined delay characteristic parameter is performed.

Cheung (col. 2, lines 49-51) teaches another embodiment in which the network is an Internet Protocol (IP) network carrying Voice over IP (VoIP) traffic. *Cheung* (col. 2, lines 51-55) states, “a voice call made in connection with a VoIP service is not admitted to the IP network

and is held if one or more current delay characteristic parameters of the IP network do not satisfy one or more prescribed delay characteristic requirements”. *Cheung* (col. 2, lines 55-59) teaches that the delay characteristic parameters can be periodically updated, and that when the current value of one or more delay characteristic parameters satisfy one or more prescribed delay requirements, the VoIP call is admitted to the IP network.

Finally, *Cheung* (col. 2, lines 61-64) teaches another embodiment in which dynamic control of admission of other traffic to an IP network is performed, including multimedia communications, HTTP commands, FTP commands and TELNET connections. *Cheung* (col. 2, lines 64-65) states, “this embodiment allows such data calls to be admitted to the IP network when the IP network satisfies the delay requirements”. Thus, *Cheung* teaches a call is admitted to a network based in part on whether a call characteristic requirement is satisfied by a network characteristic parameter. In particular, *Cheung* teaches the re-routing of a voice call over another network, such as a conventional circuit-switched network, when the call quality requirements are not satisfied within a set maximum time. If the network performance parameter satisfies the call quality requirement, then the call is admitted to the packet-switched network.

However, *Cheung* fails to teach the method recited in amended independent claim 1. *Cheung* teaches that an entire call is rerouted, if needed. In contrast, amended independent claim 1 recites the step of “transmitting at least part of ... at least speech data, whose intelligibility is affected by a possible deterioration of data quality and is configured to be transmitted through the packet-switched connection, partly through the circuit-switched connection. That is, only part of the data to be transmitted through the packet-switched connection is configured for transmittal through the circuit-switched connection, i.e., not all of the data or call is transmitted. *Cheung* fails to teach this claimed concept.

Amended independent claim 1 also recites the step of “separating at least speech data from the data stream” before optimizing the connection. *Cheung* fails to teach this step. *Cheung* only teaches selections between packet-switched and circuit-switched routes. However, *Cheung* fails to teach or suggest that one of the disclosed routes (i.e., the packet-switched or circuit-switched routes) employs a part of the packet-switched route and a part of the circuit-switched route when transmitting the call. Moreover, *Cheung* fails to provide even the slightest hint that a step pursuant to separating at least speech data from a data stream, as recited in claim 1, is even performed before optimizing a connection. In view of the foregoing, independent claim 1 is

patentable over *Cheung*, and withdrawal of the rejection under 35 U.S.C. §102 is in order, and a notice to that effect is earnestly solicited.

The Examiner relies upon *Haeggstrom* to address the failure of *Cheung* to teach features recited in dependent claims 3-7, 9 and 10. *Haeggstrom* relates to speech transmission between terminals in different networks, i.e., packet-switched and circuit-switched networks.

Haeggstrom (col. 3, lines 43-45) teaches a system that permits speech calls to be made to a data network, i.e., calls between a telephone connected to the Internet and a mobile phone. However, *Haeggstrom* fails to teach the separating step or the transmitting step of claim 1. Consequently, dependent claims 3-7, 9 and 10 are patentable over *Haeggstrom* based on their dependency on independent claim 1. Consequently, withdrawal of the rejection under 35 U.S.C. §103 is in order, and a notice to that effect is earnestly solicited.

Independent claim 8 is the system claim associated with the method of independent claim 1. Accordingly, independent claim 8 is patentable over the combination of the cited references for the reasons discussed above with respect to independent method claim 1.

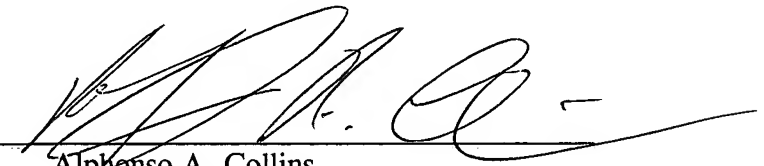
In view of the patentability of independent claims 1 and 13, for the reasons set forth above, dependent claims 2-12 and 14-17 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By


Alphonso A. Collins
Reg. No. 43,559
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: April 27, 2006